

Remarks:

This application has been reviewed carefully in view of the Office Action mailed February 7, 2007 ("the Office Action"). In the Office Action, claims 1, 3 and 8-10 were
5 rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Sutcliffe et al., U.S. Patent No. 6,052,122. Claims 2 and 4 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sutcliffe et al., in view of Fraccaroli, U.S. Patent No. 6,549,768.

The above-described rejections are addressed as follows:

A. CLAIM REJECTIONS UNDER 35 U.S.C. 102(e) AND 35 U.S.C. 103(a)

As noted above, claims 1, 3 and 8-10 were rejected under 35 U.S.C. § 102(e) as
15 allegedly anticipated by Sutcliffe et al. ("Sutcliffe"), and claims 2 and 4 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sutcliffe, in view of Fraccaroli.

1. Claims 1-4 and 8-10

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See*, M.P.E.P. § 706.02, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). To establish a *prima facie* case of
25 obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. *See*, M.P.E.P. § 706.02(j).

Features of the present invention are a method of searching for persons using a communication means, the method comprising a step whereby a plurality of participants
30 connect their terminals with a server in a condition enabling their mutual communication via a communication means, a step whereby the server providing a plurality of questionnaires to each of the participants, and a step whereby the participants answer the

questionnaires provided by the server using terminals. The server can detect other participants among a plurality of the participants who have given the same or a similar answer and/or other participants among a plurality of the participants who have given an opposite answer.

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The applicant has amended claim 1 to more clearly describe the current invention by reciting as a feature that the server provides a plurality of questionnaires asking questions regarding the way of thinking of each of said participants, to each of said participants. Since the server can detect other participants among a plurality of the participants who have given the same or a similar answer and/or other participants among a plurality of the participants who have given an opposite answer, the server can detect other participants who have the same or a similar way of thinking and/or other participants among a plurality of the participants who have an opposite way of thinking.

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This feature provides for the invention to look past simple factual data to any of a number of intellectual parameters. For example, the questionnaires of the current invention might ask questions regarding participant opinions about subjects such as baseball, politics, celebrities, and states, as noted on page 10, lines 4-10 of the Specification. Likewise, the questionnaires could ask questions indicating various ways of thinking about social situations, such as “[i]n the case that an aged person stands in front of you in the electric train, which action of the following do you take?” as described on page 18, lines 11-21 of the Specification. By asking questions regarding the way of thinking of participants, matching of users can be based upon participants’ similar (or opposite) ways of thinking on various subjects, rather than simply querying and matching based only upon preferences for factual characteristics of participants.

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Sutcliffe only discloses a system of matching a first user with at least one other user of the system by simply comparing a first user’s factual criteria data with factual characteristic data of the at least one other user, and the criteria data of the at least one other user with the factual characteristic data of the first user (Sutcliffe, Abstract). In other words, the matching is done by simply comparing a first user’s preferences in factual characteristics of another user, such as his/her actual sex, age range, race, height range,

body type, etc., to the factual data of other users (Sutcliffe, FIGS. 2A - 2B). Only when users fit each other's stated factual characteristic preferences are they considered a match, rather than matching by their similar (or opposite) ways of thinking.

5 Sutcliffe and Fraccaroli both fail to disclose a method having a server that can provide a plurality of questionnaires regarding the way of thinking of each of the participants. Because the cited references fail to disclose the feature of providing questionnaires regarding the way of thinking of the participants, the rejection of claims 1, 3 and 8-10 under 35 U.S.C. 102(e), and of claims 2 and 4 under 35 U.S.C. 103(a), are now
10 improper, and Applicant respectfully requests they be withdrawn.

2. **Claim 2**

15 As noted above, to establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. *See*, M.P.E.P. § 706.02(j).

20 The Office Action recites that the feature recited in claim 2, of having set a common deadline for answering questionnaires by a plurality of participants, was disclosed in Fraccaroli, Col. 9, lines 50 - Col. 10, line 15. Applicants respectfully traverse that Fraccaroli discloses this feature.

25 Fraccaroli discloses a wireless communications network comprising a server in a central location storing matching profiles for a plurality of users of the network. Users whose profiles "match" are put in contact with each other whenever they are determined to be within a certain physical proximity of each other. Fraccaroli fails to disclose a common deadline.

30 An advantage in the current invention is that by setting a common deadline, upon completion of the questionnaires, the matching system can match people at that moment (in real time) while the participants are currently participating, available, and waiting for

possible matches. Rather than provide a common deadline, Fraccaroli only operates based on a proximity match.

5 Because the cited references fail to teach or suggest the limitation of having a common deadline for a plurality of participants to answer the questionnaires, the cited references fail to establish a *prima facie* case of obviousness. Accordingly, the rejection of claim 2 under 35 U.S.C. § 103(a) is improper, and the applicant respectfully requests it be withdrawn.

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B. REQUEST FOR INTERVIEW

15 In light of Applicant's amendments and remarks, Applicant believes that the claims are now in condition for allowance. Nevertheless, in light of the significant period of time that has elapsed since the filing of this application (May 15, 2001), if the Examiner continues to believe that claims of the application should be finally rejected for any reason, Applicant requests a telephonic interview with Applicant's attorney to attempt to efficiently resolve any open issues.

C. CONCLUSION

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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